

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

vs.

COLLECTOR'S COFFEE INC. (d/b/a  
COLLECTORS CAFÉ);  
MYKALAI KONTILAI et al.

Defendants

**19-cv-04355-LGS-GWG**

**MOTION (CONSENTED TO) OF  
COUNSEL TO WITHDRAW FROM  
REPRESENTATION OF PARTY**

Pursuant to S.D.N.Y. Local Civil Rule 1.14, the undersigned, George Lambert, Esq., of The Lambert Law Firm, with the main office at 1025 Connecticut Ave., 1000 NW Washington, D.C. 20036, respectfully moves this honorable Court to withdraw from representation and for an entry of an Order allowing to withdraw from representing Defendant Mykalai Kontilai (Kontilai) in this action. The undersigned's withdrawal from representation as counsel has been consented to by Mr. Kontilai.

There is no prejudice to Mr. Kontilai or any other party. Discovery in this action has been substantially completed. The F.R.Civ.P. Rule 56 motion letters, upon completion of factual discovery, were timely docketed. The pre-trial motion practice has been likewise next to complete. The trial has not been scheduled. In light of the general situation with jury trials in the federal courts, a trial scheduling, and the timetable may take time due to the continuing COVID-19 pandemic circumstances. Mr. Kontilai is also currently represented in this action by

three other attorneys, who are in a position to take care of representing Mr. Kontilai at the future trial.

The Motion is being filed in conformity with Model Rules of Professional Conduct, Rule 1.16 ('Declining or Terminating Representation'), where: "(1) withdrawal can be accomplished without material adverse effect on the interests of the client" and where (4) "a fundamental disagreement" with a client has developed, the latter being covered by the attorney-client privilege. Furthermore, there have occurred Covid-19 illnesses in the undersigned's family, requiring the undersigned's special attention and dedication, within the meaning of Rule 1.16 (7) ('other good cause'). Pursuant to Local Civil Rule 1.14, the undersigned reserves assertion of a retaining and/or charging lien. The movant's Affidavit is enclosed.

The Motion should be granted.

Respectfully submitted.

Dated: July 22, 2021

*/George Lambert\_\_\_\_signed*

George Lambet, Esq., pro hac vice  
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**AFFIDAVIT OF GEORGE LAMBERT  
IN SUPPORT OF MOTION TO  
WITHDRAW AS COUNSEL FROM  
REPRESENTATION OF PARTY**

The undersigned, attorney George Lambert, admitted in this action pro hac vice, admitted in the District of Columbia, Massachusetts. and Florida, states and declares as follows.

Pursuant to Local Civil Rule 1.14, the undersigned submits the present companion Affidavit to the honorable Court in support of his Motion for an entry of an Order allowing to withdraw from representing Defendant Mykalai Kontilai (Mr. Kontilai) in this action.

The undersigned's withdrawal from representation as counsel has been consented to by Mr. Kontilai.

The undersigned asserts there is no prejudice to Mr. Kontilai or any other party. Discovery in this action has been substantially completed. The F.R.Civ.P. Rule 56 motion-letters, following discovery, have been docketed. The trial in this action has not been scheduled, whereas its scheduling and the timetable may take time due to the continuing COVID-19 pandemic. Mr. Kontilai is represented in this action by the other attorneys, who are in a position to represent Mr. Kontilai at the trial.

The Motion to withdraw is filed in conformity with Model Rules of Professional Conduct, Rule 1.16 ('Declining or Terminating Representation'), where "(1) withdrawal can be accomplished without material adverse effect on the interests of the client" and where (4) "a fundamental disagreement" with the client has developed, the latter being covered by the attorney-client privilege. Furthermore, there have occurred Covid-19 illnesses in the undersigned's family, requiring the undersigned's special attention and dedication, within the meaning of Rule 1.16 (7) ('other good cause').

The underlying Motion should be granted.

I declare under the penalties of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 22, 2021

*/George Lambert* *signed*

George Lambet, Esq., pro hac vice  
DC bar #979327  
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tel. (202) 640 1897;  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 22, 2021, he served an electronic copy of the foregoing Motion and Affidavit by ECF and/or email on the person (s) named below.

Mykalai Kontilai;  
Defendant;

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Dated: July 22, 2021,      /s/ George Lambert, Esq.